

REMARKS

This Response is in reply to the final Office Action mailed on March 9, 2005. Claims 1-14 are pending and claim 1 has been amended herein. The Applicant appreciates the indication that claim 13 contains allowable subject matter. No new matter has been added. Entry and consideration of the amendments and following remarks is respectfully requested.

Amendments to Claims

Claim 1 has been amended to delete “movement or.” Support for the amendments to the claims is described in the specification and shown in the figures. No new matter has been added.

Claim Rejections - 35 USC §102(b)

Claims 1, 4, 6-9 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by Bakunin et al. (U.S. 3,504,665). Claims 1, 2, and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by Bradley (U.S. 4,917,104). Claims 1, 2, 4-8 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by Bates et al. (U.S. 2,957,474). These rejections are respectfully traversed.

Independent claim 1 has been amended to delete “movement or.” It is Applicant’s contention that claim 1 of the present invention is not anticipated by cited references because the features are not present in the references. By reason of their dependency on independent claim 1, the Applicant asserts that claims 2-14 are also patentable.

In the present invention, the sexual aid device comprises a curved portion that is easily inserted into a vagina or an anus. A substantially straight portion extends from a proximal end of the curved portion thereby forming an approximate J shape and there is a mechanical means for causing a combination of movements to the curved portion. The devices in the cited references do not provide both the back-and-forth motion of the tip of the curved portion, vibration of the curved portion and vibration of the clitoral stimulation portion or the choice of a combination of these motions.

Bakunin does not teach a sexual aid device having mechanical means for causing a combination of movements to the curved portion as recited in amended claim 1. The device of Bakunin only oscillates.

Rebell does not teach a sexual aid device for insertion into a vagina or an anus having a mechanical means for causing a combination of movements to the curved portion as specifically recited in amended claim 1. The Rebell device is a cardiac lead. Functional limitations must be considered and evaluated for what it conveys to a person of ordinary skill in the pertinent art in the context in which is it used and it is not clear from the Office Action why a cardiac lead would be inserted into a vagina or an anus.

Bates does not teach a sexual aid device for insertion into a vagina or an anus having a mechanical means for causing a combination of movements to the curved portion as specifically recited in amended claim 1. The Bates device is for stimulating the blood circulation of the male gland. Functional limitations must be considered and evaluated for what it conveys to a person of

ordinary skill in the pertinent art in the context in which it is used and it is not clear from the Office Action why the device would be inserted into a vagina or an anus as a sexual aid device.

Accordingly, Bakunin, Rebell nor Bates anticipate the present invention as recited in independent amended claim 1. As stated above, by reason of their dependency on independent claim 1, the Applicant asserts that claims 2-14 are also patentable over Bakunin, Rebell and Bates. Therefore, it is respectfully requested that the anticipation rejections be withdrawn.

Claim Rejections - 35 USC §103(a)

Claims 3 and 10-12 are rejected under 35 U.S.C. §103(a) as being unpatentable Bakunin et al. (U.S. 3,504,665) as applied to claim 1 above, and further in view of Tsai (U.S. 6,190,307). This rejection is respectfully traversed.

Amended claim 1 is patentable for the reasons stated above. By reason of its dependency on independent claim 1, the Applicant asserts that claims 3 and 10-12 are also patentable over the cited references. Accordingly, it is therefore respectfully requested that the rejection under 35 U.S.C. §103(a) be withdrawn.

Conclusion

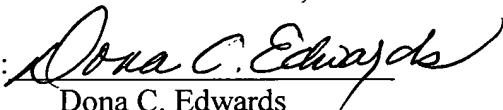
In view of the amendment to claim 1 made herein and the arguments presented above, it is submitted that the Examiner's rejections have been overcome and should be withdrawn. The application should now be in condition for allowance.

The Applicants note that there is no indication that the drawings are acceptable. The Applicants respectfully request that the Examiner provide indication that the drawings are accepted by the Examiner in the next formal communication.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

This Response to Office Action is being timely filed. In the event that any other extensions and/or fees are required for the entry of this Response, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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